

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 11/03/03.

### **I. DISPUTE**

The Requestor on 6/08/04 submitted a fax withdrawing HCPCS codes E0236 (\$494.00), E1399 (\$75.00), E1399 (\$155.00) and E1399 (\$45.00) for date of service 6/10/03. The only date of service remaining in this request for dispute resolution is 6-10-03. The Requestor seeks additional reimbursement for HCPCS code E0145. The Carrier denied additional reimbursement as "M – No MAR Payment recommended at fair and reasonable rate \$217.55."

### **III. RATIONALE**

Per Rule 133.307 (g)(3)(D), the Requestor is required to discuss, demonstrate and justify that the payment being sought is a fair and reasonable rate of reimbursement. The additional documentation submitted by the Requestor included redacted sample EOBs, however, none were for HCPCS code E0145 (Walker). The Requestor failed to submit documentation to sufficiently justify that the Respondent's reimbursement was not fair and reasonable or inconsistent with Sec. 413.011 (d) of the Texas Labor Code. However, the 1996 MFG DME (IX)(C) states "...A fair and reasonable reimbursement shall be the same as the fees set for the "D" codes in the 1991 Medical Fee Guideline." "D" code 0639 listed in the MFG DME, has the same description as HCPCS code E0145. The MAR for 0639 is \$217.55. The Carrier made reimbursement in the amount of \$217.55. Therefore, no additional reimbursement is recommended.

### **IV. DECISION**

Based upon the review of the disputed healthcare services within this request, the Division has determined that the Requestor **is not** entitled to reimbursement.

The above Decision is hereby issued this 5<sup>th</sup> day of June 2004.

Pat DeVries  
Medical Dispute Resolution Officer  
Medical Review Division

PD/pd